

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MAY 28, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-33587 - APPLICANT: LV LAND PARTNERS - OWNER: OEHLER 1992 TRUST**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. Conformance to the Conditions of Approval for Vacation (VAC-29235) shall be required, if approved.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-33590) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All development shall be in conformance with the combined site plan and landscape plan, and building elevations, date stamped 03/06/09, except as amended by conditions herein. •
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: the eight trees provided at the southeast corner of the property shall be a minimum 24-inch box-sized tree.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
7. The three affected parcels on the subject site shall be remapped, creating a single-lot subdivision, prior to the issuance of any building permits.

**SDR-33587 - Conditions Page Two**  
**May 28, 2009 - Planning Commission Meeting**

8. Off-site parking shall be provided through cross-access and shared parking agreements with the northwest adjacent property (APNs ) and the proposed automated parking garage be located at South Casino Center Boulevard and Coolidge Avenue (APN . Prior to the start of construction for the adjacent mixed-use development proposal (SDR-20502), a Certificate of Occupancy shall be required for the proposed automated parking garage (SDR-20492) to be located at South Casino Center Boulevard and Coolidge Avenue.
9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

16. A Petition for Vacation such as VAC-29235 shall record prior to the issuance of any permits for this site.

**SDR-33587 - Conditions Page Three**  
**May 28, 2009 - Planning Commission Meeting**

17. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Casino Center/3<sup>rd</sup> Street Realignment Project, Casino Center Bus Rapid Transit Project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
18. Coordinate with the City Surveyor to determine the appropriate mapping method for this site prior to the issuance of any permits; comply with the recommendations of the City Surveyor.
19. Remove all unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site, except as amended by Conditions of Approval herein. Any existing public improvements damaged by the construction of this site shall be replaced with new improvements meeting current Las Vegas Downtown Centennial Plan Standards.
20. Provide a copy of a perpetual irrevocable recorded Joint Access Agreement between this site and the adjoining parcels to the north and east prior to the issuance of any permits.
21. No structures, walls or landscaping over 3 feet in height shall be allowed to encroach upon the existing 10 foot wide public sewer easement reserved by recorded document 875:702413 (1968) wherever public sewer exists on Assessor Parcel Numbers #162-03-110-003 and -004. Maintain drivable access to the existing sewer manhole/vault. Alternatively, coordinate with the Collection System Planning Section of the Department of Public Works for the relocation and abandonment of public sewer in conflict with this site plan.
22. Landscape and maintain all unimproved rights-of-way, if any, on 3rd Street adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
23. Submit an Encroachment Agreement for all landscaping, if any, located in the 3rd Street public right-of-way adjacent to this site prior to occupancy of this site unless otherwise allowed by the City Engineer.
24. An update to the previously approved Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings, whichever may occur first. Comply with the recommendations of the approved update to the Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

**SDR-33587 - Conditions Page Four**  
**May 28, 2009 - Planning Commission Meeting**

25. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**SDR-33587 - Staff Report Page One**  
**May 28, 2009 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This request is for a Site Development Plan Review for a proposed 16-story mixed-use development consisting of 22,500 square foot of commercial space and 238 residential apartment units. The proposed development is located on 0.55 acres along the east alignment of 3rd Street, approximately 160 feet south of Charleston Boulevard. Although this proposal is being requested as a stand-alone request, it seeks to utilize the available parking on the northwest adjacent property and to also use parking from a proposed 1,500 space automated parking structure located at the northeast corner of South Casino Center Boulevard and Coolidge Avenue when completed. The applicant will also maintain cross-access agreements with the property adjacent to the northeast of the subject site.

The proposed development and potential uses are appropriate for the proposed C-1 (Limited Commercial) zoning district and approval of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
01/15/64	The Board of City Commissioners approved a request for a reclassification of property (Z-0163-63) from the R-4 (Apartment Residence) zoning district to the C-1 (Limited Commercial) zoning district. The City Planning Commission recommended approval on 01/15/64.
08/17/66	The Board of City Commissioners approved the petition to Vacate (VAC-11-66) the alley between 3rd and 4th Street in the Boulder Addition, generally located between Charleston Boulevard and 4th Place. NOTE: 4th Place previously consisted of a cul-de-sac, adjacent to the south side of Charleston Boulevard, which has since been vacated.
12/28/04	Code Enforcement Case #24788 issued for illegal temporary structures (plastic tents located in rear yard) at 1121 South 3rd Street. This case was resolved on 03/22/05.
05/16/07	The City Council approved a request for a Rezoning (ZON-20507); a Special Use Permit (SUP-20519) for a Mixed Use development; a Site Development Plan Review (SDR-20492) for a Parking Garage; a Site Development Plan Review (SDR-20502) 12-story mixed-use development that includes 58,000 square foot of commercial space and 1,100 residential condominium units on 2.67 acres at southwest corner of West Charleston Boulevard and South 4 <sup>th</sup> Street. The Planning Commission and staff recommended approval on 04/26/07  NOTE: These entitlement actions are limited to the property adjacent to the north and east of the proposed site that is subject of this request.

**SDR-33587 - Staff Report Page Two**  
**May 28, 2009 - Planning Commission Meeting**

05/16/07	The City Council approved the petition to Vacate (VAC-20522) an alley and a public access easement at 300 and 330 East Charleston Boulevard. NOTE: This Vacation expired on 05/16/08.
11/05/08	The City Council approved the petition to Vacate (VAC-29235) an alley and a public access easement at 300 and 330 East Charleston Boulevard.
04/15/09	The City Council approved the request for a one-year extension of time (EOT-33725) for an approved Rezoning (ZON-20507); a one-year extension of time (EOT-33724) an approved Special Use Permit (SUP-20519) for a Mixed Use development; a one-year extension of time (EOT-33723) an approved Site Development Plan Review (SDR-20492) for a 1,500 space Parking Garage; and one-year extension of time (EOT-33726) an approved a Site Development Plan Review (SDR-20502) 12-story mixed-use development on 2.67 acres at southwest corner of West Charleston Boulevard and South 4 <sup>th</sup> Street.  NOTE: These entitlement actions are limited to the property adjacent to the north and east of the proposed site that is subject of this request.
05/06/09	The City Council approved a request to Rezone (ZON-33588) 0.32 acres of property from an R-4 (High Density Residential) zoning district to a C-1 (Limited Commercial) zoning district. The Planning Commission and staff recommended approval.
<b><i>Related Building Permits/Business Licenses</i></b>	
11/15/83	Business license (#A07-00691) was issued for apartment rentals at 1113 S. 3rd Street.
09/05/07	Business license (#Q01-00806) was issued for a real estate agent at 1113 S. 3rd Street. This license is issued under a Home Occupation Permit.
<b><i>Pre-Application Meeting</i></b>	
02/11/09	A pre-application meeting was held to discuss the applicant's request for a Rezoning, Special Use Permit, and Site Development Plan Review. The applicant was made aware of outstanding issues regarding the vacated alley adjacent to the north of the subject site that will need to be addressed prior to the review of the Special Use Permit and Site Development Plan Review requests.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

**SDR-33587 - Staff Report Page Three**  
**May 28, 2009 - Planning Commission Meeting**

<b>Field Check</b>	
05/07/09	<p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> <li>• There are two small fourplexes and a single-family dwelling each located on a separate lot.</li> <li>• Vehicular access to the existing fourplexes is provided at the rear while access to the single-family dwelling is provided via curb cut located on 3rd Street.</li> <li>• The general condition of the three properties is poor with a deficiency in adequate landscaping and groundcover.</li> <li>• The streetscape along the subject site, consisting of a five-foot wide sidewalk and five-foot wide amenity zone with 25-foot tall Date Palms, is in the process of being constructed by the City of Las Vegas.</li> </ul>
<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.55 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Apartment Fourplexes	MXU (Mixed Use)	R-4 (High Density Residential)
North	Office	MXU (Mixed Use)	C-1 (Limited Commercial)

South	Undeveloped (Proposed Mixed-Use Development SDR-10143)	MXU (Mixed Use)	R-4 (High Density Residential)
East	Parking Lot and Office	C (Commercial)	C-1 (Limited Commercial)
West	Undeveloped and Office	MXU (Mixed Use)	C-1 (Limited Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
Live/Work Overlay District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>	X		Y
<b>Project of Regional Significance</b>		X	N/A

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**SDR-33587 - Staff Report Page Four**  
**May 28, 2009 - Planning Commission Meeting**

**Downtown Centennial Plan - 18b The Las Vegas Arts District**

The subject site is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the 18b The Las Vegas Arts District. This area is a classic urban mix of residential, commercial and cultural uses that will continue to grow as the hub of the arts scene in Las Vegas. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

**Redevelopment Plan Area**

The subject site is located within the boundaries of the Las Vegas Redevelopment District. The proposed uses are in conformance with Redevelopment Plan goals and policies that encourage innovative, mixed use projects in this area of the City.

**Live/Work Overlay District**

This site is within the Live/Work Overlay district. As the proposed mixed-use development does not offer any Live/Work units the project is not impacted by the Live/Work standards as outlined in Title 19.06.130.

**DEVELOPMENT STANDARDS**

*Pursuant to the Downtown Centennial Plan\*, the following development standards apply to the subject proposal:*

<i>Standard</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks		
• Front	0 feet	Y
• Side	0 feet	Y
• Corner	0 feet	Y
• Rear	49 feet	Y
Max. Building Height	185 feet	Y
Trash Enclosure	Screened	Y
Mech. Equipment	Screened	Y

\* Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements.

***Landscape Standards per 18b The Arts District Development Standards:***

<i>Landscaping and Open Space Standards</i>			
<i>Standards</i>	<i>Provided</i>		<i>Compliance</i>
	<i>Ratio</i>	<i>Landscaping Area</i>	
Parking Area	N/A	450 square feet	Y
Buffer: Min. Trees	N/A	8 trees	Y



**SDR-33587 - Staff Report Page Five**  
**May 28, 2009 - Planning Commission Meeting**

***Streetscape requirements***

<b><i>Streetscape Standards</i></b>	<b><i>Required</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
North/South Street (3 <sup>rd</sup> Street)	5 Palm Trees  (1 Palm Tree @ 30' O.C. Maximum with 25' min. height)	5 Palm Trees  (36" box; no height listed)	Y
Right-of Way Improvements:	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	Y

\* The streetscape has been completed by the City of Las Vegas with palm trees planted north and south of the entry drive.

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Recommended Parking		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Apartment	238 units	1 space per unit	231	7	1	6	
Commercial	22,500 GFA	3 spaces per 1,000 SF of GFA	67	1			
SubTotal			298	8	1	6	
TOTAL (including handicap)			306 spaces		7 spaces*		N*

\*This project is located within the Las Vegas Downtown Centennial Plan area and is not subject to the automatic application of parking requirements. The applicant proposes to utilize the available 153 (144 regular, 9 ADA) parking spaces through a shared parking agreement for the adjacent properties to the north and the west while the off-site parking garage (SDR-20492) is being constructed.

**ANALYSIS**

The subject property is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and has a C (Commercial) land use designation. The C (Commercial) designation allows uses comparable to the following land use categories: O

**SDR-33587 - Staff Report Page Six**  
**May 28, 2009 - Planning Commission Meeting**

(Office), SC (Service Commercial), and GC (General Commercial). The proposed development and uses are in compliance with the C (Commercial) land use designation and are in conformance with Redevelopment Plan policies that encourage innovative, mixed use projects in this area of the City.

A Rezoning (ZON-33588) was recently approved by the City Council on 05/06/09 to change the zoning of the subject from an R-4 (High Density Residential) zoning district to a C-1 (Limited Commercial) zoning district site. The proposed uses established at this location are permissible in a C-1 (Limited Commercial) zoning district with the approval of the related Special Use Permit (SUP-33590) request.

The site encompasses three parcels with a proposed building built across the lot lines. As it is the stated intention of the applicant to create a mixed-use subdivision, there will need to be a tentative map review and final map technical review prior to any building permits being issued.

This site is within the Live/Work Overlay district. The mixed-use nature of the proposed development will offer employment and housing options on-site; however, the project does not include any live/work units as outlined in Title 19.06.130.

The subject site is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the 18b The Las Vegas Arts District. This district, which is within the bounds of the Downtown South district, is intended to accommodate a wide variety of commercial and residential uses within a dense, urban environment with it's own unique design standards. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

Pursuant to Title 19.06.060 properties within the Downtown Centennial Plan area are exempt from the automatic application of development standards for building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The proposed development conforms to the applicable setbacks and lot coverage requirements specified by the Downtown Centennial Plan; height limits and parking requirements are not automatically applied.

- **Site Plan**

The site plan is in compliance with the standards of the proposed C-1 (Limited Commercial) zoning district and the Downtown Centennial Plan's 18b The Las Vegas Arts District standards. The 0.55 acre site is located on the east side of South 3<sup>rd</sup> Street, approximately 160 feet south of Charleston Boulevard. This site currently consists of three developed parcels of land which will require remapping into a single-lot subdivision prior to the issuance of building permits and will also require the recordation of the approved Vacation (VAC-29235) of the public alley located to the north of the subject site. There is shared access on the east side of the subject property that flows northwards, providing secondary egress to Charleston Boulevard. A screened trash enclosure and loading zone are located at the rear northeast corner of the site with a screened mechanical area provided at the southeast corner.

**SDR-33587 - Staff Report Page Seven**  
**May 28, 2009 - Planning Commission Meeting**

The site plan illustrates a single mixed-use building that will be built up to the front and side property lines while maintaining a 49-foot rear yard setback.

- **Parking**

The applicant indicates that the unique parking arrangement of the proposed mixed-use development will help generate the urban walking lifestyle that is called for in this area. Although this proposal is being requested as a stand-alone application, it seeks to utilize the available parking on the northwest adjacent property and to also use parking from a proposed 1,500 space automated parking structure located at the northeast corner of South Casino Center Boulevard and Coolidge Avenue when completed.

The site plan provides six handicap accessible parking spaces and one regular space to be provided on-site with all other parking provided off-site. There are 153 additional parking spaces available on the adjacent northwest property by means of a shared parking agreement while the 1,500 space automated parking structure is being constructed. A condition of approval has been placed by staff that, prior to the start of construction for the future mixed-use development (SDR-20502) located to the north of the property, the proposed off-site parking garage (SDR-20492) will need to be completed. This will ensure that the proposed mixed-use apartments are not without any available parking for the tenants in the event that future construction staging eliminates any available parking spaces provided by the shared parking agreement.

It is the applicant's position that the pedestrian traffic emanating from the off-site automated parking garage will help the ground level commercial spaces flourish at both the subject site and the 12,000 square feet of commercial tenant space located at the off-site garage location. The applicant has given additional consideration to the future ACE Rapid Transit route currently being developed for the 3<sup>rd</sup> Street/Casino Center corridor that potential residents will take advantage of for trips outside the downtown area.

- **Landscaping and Streetscaping**

The provided combined site plan and landscaping plan shows a three-foot wide landscape buffer at the site's southwest corner that provides approximately 450 square feet of landscaping. The provided landscape buffer depicted shows eight trees at a minimum 24-inch box size approximately every 20 feet along the south property line and every 30 feet along the east property line.

The streetscape requirements for 18b The Las Vegas Arts District have been satisfied with the recent completion of the 3<sup>rd</sup> Street streetscape improvements that were completed by the City of Las Vegas in May of 2009.

**SDR-33587 - Staff Report Page Eight**  
**May 28, 2009 - Planning Commission Meeting**

- **Elevations/Floor Plan**

The elevations depict a 16-story high-rise mixed-use development with ground-level commercial spaces and residential apartment units located above. The elevation depicts recessed balconies to help break up the solid massing of the building's above-ground façade. The commercial portion of the building will be visually separated from the upper residential portion of the building with commercial storefront glazing and lightly sandblasted exposed aggregate precast panels. Materials used include tinted glass railings, preformed exterior cement panels, and aluminum storefront. No stepbacks of the building massing are proposed.

The floor plans show a mix of 112 studio, 112 one-bedroom, and 14 two-bedroom apartment units in the building. The units range in size from a 534 square-foot studio apartment to a 1,014 square-foot two bedroom apartment.

The proposed Site Development Plan Review is in conformance with the site's general plan designation and is appropriate for the proposed zoning district. The proposed mixed-use development meets the standards and objectives of The Downtown Centennial Plan and the request is compatible with the existing commercial and residential developments in the area; therefore, staff recommends approval of this site development plan review request.

## **FINDINGS**

The following findings must be made for a Site Development Plan Review:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed building will be compatible in size and use with existing and proposed development in the immediate area.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development will be consistent with all code requirements and supports the objectives of the Redevelopment Plan and the Downtown Centennial Plan by adding additional mixed-use commercial and residential space to the downtown area.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

**SDR-33587 - Staff Report Page Nine**  
**May 28, 2009 - Planning Commission Meeting**

The principal vehicular access point for the development will be from South 3rd Street, with egress to the west. The site has excellent access to public transportation, which will assist in reducing the number of vehicle trips generated by the development.

**4. Building and landscape materials are appropriate for the area and for the City;**

The proposed structure and landscape materials are appropriate for the area. Additionally, the quantity of trees exceeds the amount required for this area under the Downtown Centennial Plan. A condition has been placed that additional shrubs and 24"-box trees be specified on the technical landscape plans at the time building permits are being submitted.

**5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The proposed mixed-use development will provide commercial opportunities as well as offer an urban residential housing option that appears harmonious and compatible with development in the area.

**6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed plan will not impact public health, safety or welfare since the development will be subject to City inspections during construction of the building as well routine business license inspections for the tenant commercial spaces.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

17

**ASSEMBLY DISTRICT**      9

**SENATE DISTRICT**      10

**NOTICES MAILED**      238

**APPROVALS**      1

**PROTESTS**      0